

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER

6:20-CR-06101 EAW

ELIEZER MORALES,

Defendant.

Defendant Eliezer Morales (“Defendant”) stands accused by way of an Indictment returned on July 16, 2020, with a narcotics conspiracy in violation of 21 U.S.C. § 846 (count one) and possession of firearms in furtherance of drug trafficking crime in violation of 18 U.S.C. §§ 924(c)(1)(A)(i) and 2 (count two). (Dkt. 138). This Court referred all pretrial matters in the case to United States Magistrate Judge Mark W. Pedersen pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). (Dkt. 139).

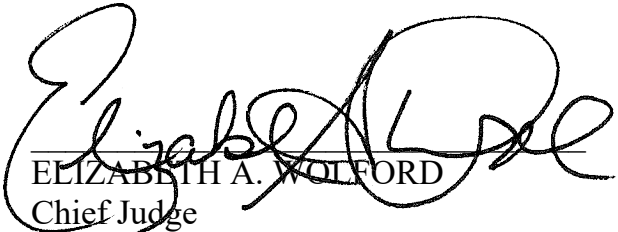
On November 29, 2021, Magistrate Judge Pedersen issued a Report and Recommendation recommending that this Court deny Defendant’s pretrial motion to suppress physical evidence. (*See* Dkt. 585). Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. Neither party has filed objections.

The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. Fed. R. Crim. P. 59(b)(2) (“Failure to object in accordance with this rule waives a party’s right to review.”); *see Molefe v. KLM*

Royal Dutch Airlines, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009) (to trigger the *de novo* review standard, objections to a report “must be specific and clearly aimed at particular findings in the magistrate judge’s proposal”).

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge Pedersen. Therefore, the Court accepts and adopts the Report and Recommendation in its entirety. (Dkt. 585). For the reasons set forth in the Report and Recommendation, this Court denies Defendant’s motion to suppress physical evidence. (Dkt. 505).

SO ORDERED.



ELIZABETH A. WOLFORD
Chief Judge
United States District Court

Dated: December 27, 2021
Rochester, New York